

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

(1) GREAT LAKES INSURANCE SE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-22-702-JD
	)	
(2) FREDY VALLE d/b/a VALLE	)	
TRUCKING;	)	
(3) SILVER STAR CONSTRUCTION	)	
COMPANY, INC.;	)	
(4) TYLON MACKEY;	)	
(5) ISRAEL JUAREZ;	)	
(6) ORD TRUCKING, INC.;	)	
(7) ZURICH AMERICAN INS. CO.	)	
	)	
Plaintiffs.	)	

**PLAINTIFF’S RESPONSE TO ORDER TO SHOW CAUSE**

Plaintiff, Great Lakes Insurance SE (“Great Lakes” or “Plaintiff”) submits its response to the Court’s Order to Show Cause [Doc. No. 15] for why service has not been effectuated on Fredy Valle (“Valle”), Tylon Mackey (“Mackey”), ORD Trucking, Inc. (“ORD”), and Zurich American Insurance Company (“Zurich”), as follows:

1. Service was effectuated on ORD on August 19, 2022, as indicated on the attached receipt and green card. *See* Ex. 1.
2. After receiving the return of service, counsel for Plaintiff and ORD conferred and entered into an agreement whereby ORD would hold off filing its answer to the Complaint until the other Defendants responded. To date, since responses have not been received, ORD has not responded to the Complaint.

3. Plaintiff attempted to service Zurich on August 17, 2022, as indicated on Ex. 2, however was unsuccessful in obtaining service on that date. On August 22, 2022, the USPS tracking center indicated that it had been sent for final delivery but was never returned to Plaintiff. Plaintiff has obtained a process server to serve Zurich and would request an additional thirty (30) days to effectuate service on Zurich. Zurich is aware of this pending lawsuit and has retained counsel but is awaiting personal service before providing an answer to the Complaint.

4. Plaintiff attempted to serve Valle on August 17, 2022, as indicated on Ex. 3, but received the green card back unable to forward to sender. Valle has counsel in the associated state court proceeding.

5. Plaintiff has hired a process server to serve Valle and requests an additional thirty (30) days to effectuate service on Valle.

6. Plaintiff attempted service on Mackey on August 17, 2022, as indicated on Ex. 4, but was unable to serve Mackey. Plaintiff contacted Mackey's attorney in the associated state court lawsuit, Ryan Polchinski, who agreed to accept service for Mackey on November 28, 2022. Plaintiff served Mr. Polchinski via hand delivery on December 5, 2022.

7. Plaintiff attempted service on Juarez on August 17, 2022, as indicated on Ex. 5, but was unable to serve Juarez. Plaintiff contacted Juarez's attorney in the corresponding Payne County lawsuit, Mark Warman, who agreed to accept service for Juarez on November 28, 2022. Plaintiff served Mr. Warman via hand delivery on December 2, 2022.

8. Plaintiff has been diligently working to serve all of the named defendants in this lawsuit but requires additional time beyond the ninety (90) days to serve Zurich and Valle. Plaintiff has attempted to serve both defendants and has been unsuccessful in its attempts to do so. Therefore, it has hired process servers, both in Oklahoma and in New York to ensure that both defendants are served properly.

WHEREFORE, Plaintiff Great Lakes Insurance SE, requests that the Court not dismiss this lawsuit against Fredy Valle, Tylon Mackey, ORD Trucking, Inc., and Zurich American Insurance Company for the reasons stated above and grant it an additional thirty (30) days to serve Zurich American Insurance Company and Freddy Valle.

DOERNER, SAUNDERS, DANIEL & ANDERSON,  
L.L.P.

By: s/Emily Allan

Michael Linscott, OBA No. 17266  
Brian M. Keester, OBA No. 33208  
Two West Second Street, Suite 700  
Tulsa, OK 74103-3117  
Telephone 918.591.5288  
Facsimile 918.925.5288  
Email: [mlinscott@dsda.com](mailto:mlinscott@dsda.com)  
[bkeester@dsda.com](mailto:bkeester@dsda.com)

-and-

Emily E. Allan, OBA No. 33456  
210 Park Avenue, Suite 1200  
Oklahoma City, OK 73102  
Telephone: 405-898-8653  
Fax: 405-898-8683  
Email: [eallan@dsda.com](mailto:eallan@dsda.com)  
***Attorneys for Plaintiff Great Lakes Insurance  
SE***

**CERTIFICATE OF ELECTRONIC SERVICE**

I hereby certify that, on December 7, 2022, I electronically transmitted the above document to the Clerk of Court using the Electronic Case Filing System for filing. Based on the records currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the ECF System, including all counsel of record.

*s/Emily Allan*

6259257.1